

FIRST REGULAR SESSION

# HOUSE BILL NO. 361

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ROORDA (Sponsor) AND ELLINGER (Co-sponsor).

0245L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 452, RSMo, by adding thereto one new section relating to neutral site child custody exchange.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 452, RSMo, is amended by adding thereto one new section, to be known as section 452.407, to read as follows:

**452.407. 1. As used in this section, the following terms shall mean:**

(1) "Custody exchange", an exchange of the physical custody of a child at the commencement or conclusion of visitation with the child or at other times in accordance with an order for child custody or visitation;

(2) "Neutral site", a place not under the ownership or control of any party to an order for child custody or visitation where a custody exchange takes place.

2. In any county, a neutral site custody exchange fund may be established by ordinance. In each county in which a neutral site custody exchange fund is established:

(1) The governing body of the county shall set a fee to be collected by the clerk of the circuit court on all civil case filings of not less than one dollar nor more than eight dollars to be paid at the time of the filing. The governing body of the county shall review the amount of the fee on an annual basis and shall increase the amount of the fee, not to exceed the eight-dollar maximum, if the demand for neutral site custody exchanges requires additional funding;

(2) The clerk of the circuit court shall charge and collect a neutral site custody exchange fund fee as established by the county. The fee shall be paid at the time of filing.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 The fees shall not be charged in any proceeding commenced by or on behalf of a political  
18 subdivision.

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20 The fees shall be in addition to all other fees and charges of the clerk, shall be assessed as  
21 costs, shall be remitted by the clerk monthly to the county treasurer, and shall be deposited  
22 monthly by the county treasurer in the neutral site custody exchange fund established  
23 under this section. Each clerk shall begin charging and collecting the fee upon receipt of  
24 written notice from the governing body of the county that a neutral site custody exchange  
25 fund has been established.

26 3. (1) The governing body of any county that has established a neutral site custody  
27 exchange fund shall annually make grant disbursements from the fund to one or more  
28 qualified nonprofit organizations for the purpose of implementing a neutral site child  
29 custody exchange program, provided that the expenditure is approved by the chief judge  
30 of the judicial circuit in which the county is located.

31 (2) Disbursements by the county shall be made to one or more qualified nonprofit  
32 organizations that operate within the county based on each such organization's  
33 proportionate share of the total number of neutral site custody exchanges handled by all  
34 such organizations in such county during the year prior to the grant application.

35 (3) In no event shall the disbursements to any nonprofit organization in one year  
36 exceed five hundred thousand dollars. Any amounts collected under subsection 2 of this  
37 section but not disbursed in a specific year shall be paid to the county treasurer for the  
38 administration of justice in such county.

39 4. The county shall make rules pertaining to the operation and standards for a  
40 nonprofit organization to qualify for a grant under this section. Such rules shall include  
41 the following:

42 (1) All work performed by the nonprofit organization, its staff, and volunteers shall  
43 be performed without collecting a fee or charge from the parties involved in a custody  
44 exchange;

45 (2) Each nonprofit organization receiving a grant under this section shall maintain  
46 records as required by the governing body of the county. The records shall be available  
47 for inspection by the chief judge of the judicial circuit in which the county is located and  
48 shall demonstrate adherence to all applicable requirements;

49 (3) The governing body of the county may adopt any additional rules as deemed  
50 necessary for the implementation of this section in such county.

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